

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE	§	
	§	
SOURCEWATER, INC.,	§	CASE NO. 23-30960
	§	
Debtor	§	
<hr style="border: 1px solid black;"/>		
JOSHUA ADLER,	§	
	§	
Plaintiff,	§	ADV. PROCEEDING NO. 24-03049 (jpn)
	§	
v.	§	
	§	
ENERGY DEBT HOLDINGS LLC,	§	
	§	
Defendant.	§	

**APPELLANT’S STATEMENT OF ISSUES AND DESIGNATION OF RECORD ON
APPEAL¹**

Joshua Adler (“**Appellant**”) files this Statement of Issues and Designation of Record on Appeal:

STATEMENT OF ISSUES

1. Whether the Bankruptcy Court erred in granting Energy Debt Holdings LLC’s Motion to Dismiss Complaint with Prejudice.
2. Whether the Bankruptcy Court erred in holding that judicial estoppel bars the claims brought by Appellant in the adversary proceeding.
3. Whether the Bankruptcy Court erred in holding that there was no actual controversy between the parties.

¹ The appeal has been docketed in the District Court as No. 4:24-cv-2381.

4. Whether the Bankruptcy Court erred in denying Appellant leave to amend the complaint.

DESIGNATION OF RECORD

1. Plaintiff's Original Complaint [Dkt. 1].
2. Motion of Energy Debt Holdings to Dismiss Complaint with Prejudice [Dkt.7].
3. Joshua Adler's Response to Energy Debt Holdings LLC's Motion to Dismiss Complaint with Prejudice [Dkt.11].
4. Energy Debt Holdings LLC's Reply to Joshua Adler's Response to Energy Debt Holdings LLC's Motion to Dismiss Complaint with Prejudice [Dkt. 12].
5. Joint Pretrial Statement [Dkt. 15].
6. Order Granting Motion to Dismiss Complaint [Dkt. 16].
7. Notice of Appeal [Dkt.18].
8. Appellant's Statement of Issues and Designation of Record on Appeal [filed July 2, 2024).

Respectfully submitted,

HOLLAND & KNIGHT LLP

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ATTORNEYS FOR APPELLANT

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was sent via electronic mail to all counsel listed below and parties listed on the Court's ECF filing system on July 2, 2024:

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/s/ Mark C. Taylor

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